



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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June 18, 2014

TECHNICAL STAFF REPORT

Petition Accepted on March 20, 2014
Hearing Authority Hearing of June 30, 2014

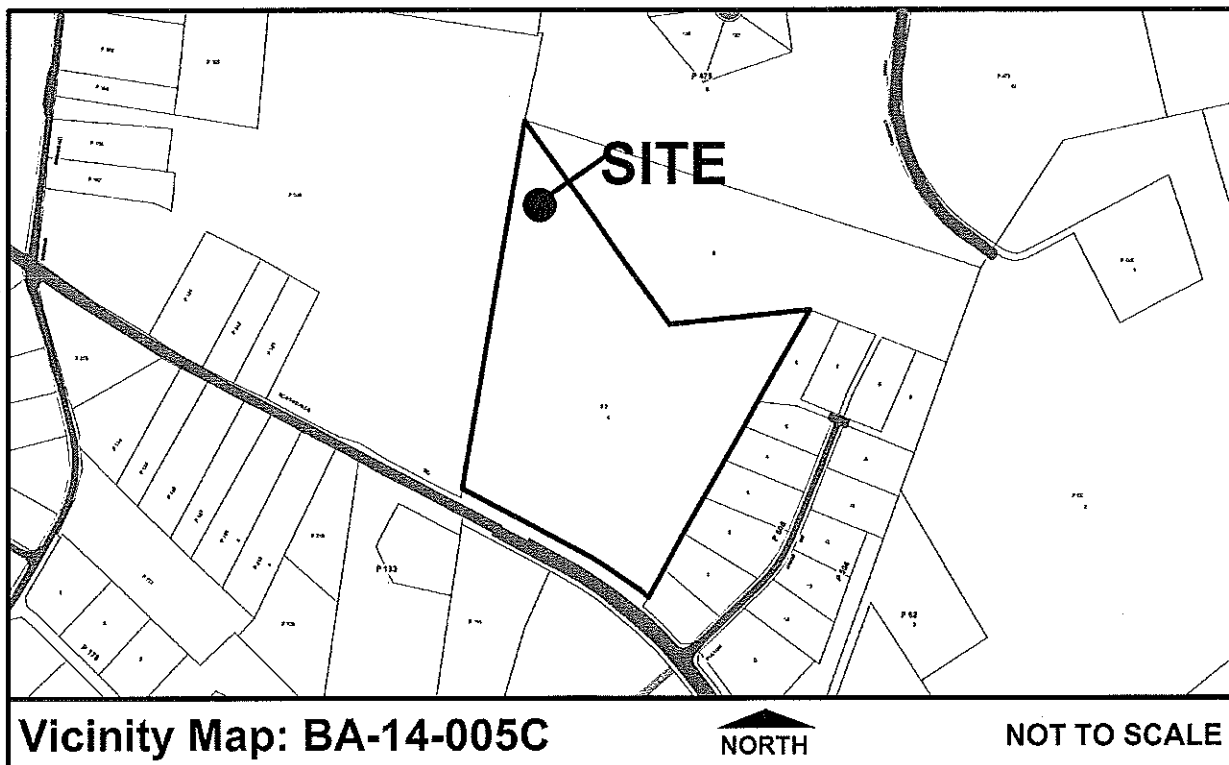
Case No./Petitioner: BA 14-005C – AT&T Mobility

Request: Conditional Use for Communication Towers for a new 160 foot monopole with six foot lightening rod within a fenced equipment compound (Section 131.0.N.14)

Location: Fifth Election District
North side of MD 216 approximately 400 feet east of Fulton Ridge Drive
Tax Map 41, Grid 13, Parcel 2, Lot 4; 12200 Scaggsville Road (the "Property").

Area of Property: 20.99 acres **Area of Site:** 750 square feet

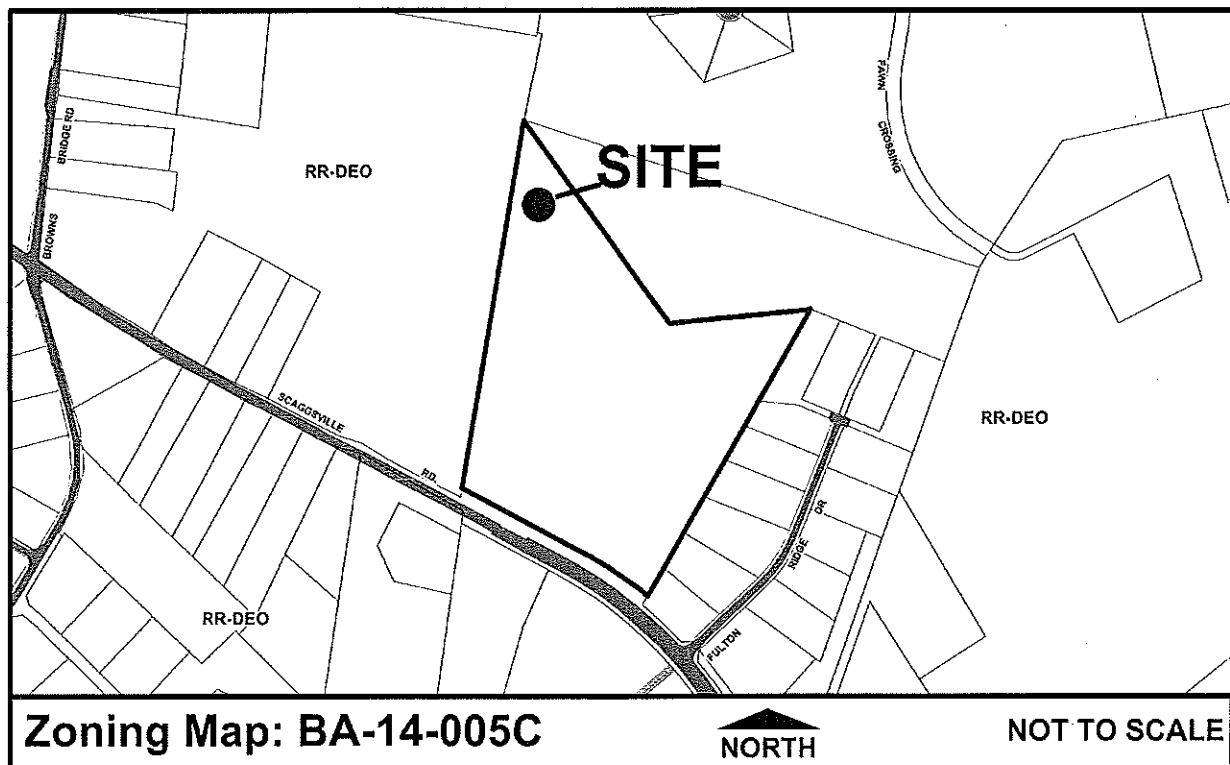
Zoning: RR-DEO (Rural Residential – Density Exchange Option Overlay)



I. CONDITIONAL USE PROPOSAL

The Property is the site of Temple Isaiah, a religious facility, private school, and nursery school originally approved as a Special Exception in 2000. At that time, the northwestern area of the Property was improved with a single-family detached dwelling and an accessory building, and this residential-use area of the Property has generally remained unchanged. In that area of the Property, the Petitioner proposes to construct and operate a commercial communication tower facility that would primarily consist of a 25 foot by 30 foot fenced compound, within which would be located a monopole, an equipment shelter, a diesel generator, and other related equipment (the "Site"). The Site would be located approximately 172 feet to the north of the existing house, and a driveway extension from the existing driveway would be constructed for access purposes.

The fence for the Site would be an eight foot tall stockade fence, with swing gates on the south side, and landscaping will be provided around the fence. The monopole would be 160 feet in height with a six foot lightning rod, for a total height of 166 feet, and it is located in compliance with the setback requirements for such structures. Similarly to other communications facilities, the use will operate automatically and continuously, with infrequent visits for maintenance. The Petitioner explains that the facility is designed to allow up to three additional commercial carriers.



II. BACKGROUND INFORMATION

A. Property and Site Description

The Property is an irregularly-shaped parcel that is divided by a stream, which runs diagonally through the Property, into two distinct triangular areas. The larger of the two areas is to the east/southeast of this stream, and is the site of the current Temple Isaiah facility, consisting of a relatively wide entrance driveway from MD 216 leading to the east side of a large parking lot, the principal religious facility and private school building to the north of the parking lot, and a stormwater management facility to the northeast of the principal building. There is a service and trash receptacle area at the northeast corner of the building, and an outdoor play area on the west side. The areas of the Property surrounding the building and the parking lot are generally open lawn areas.

At the northwest corner of the parking lot, a driveway extends to the northwest, crosses the stream, and leads to the smaller of the two triangular areas. This area is improved with a single-family detached dwelling, located roughly in the center of this area, and a detached accessory building to the northwest of the house. There are more trees in this area of the Property, along the west lot line and to the north of the house, but the areas around the house and to the east and south are generally open. As previously noted, the Site is to be located approximately 172 feet to the north of the house, in an open area.

B. Vicinal Properties

All properties that are adjacent to the Site are also zoned RR-DEO. To the west of the Site is Parcel 108, an approximately 33 acre farm. A relatively recently constructed house on this parcel is approximately 500 feet from the Site. To the north and northeast of the Site is Parcel B of Parcel 506, a mostly wooded Preservation Parcel. More than 700 feet beyond this parcel and past another wooded Preservation Parcel are homes along Crabbury Court. The Site is well separated from all other property lines; to the east and southeast the residential lots along Fulton Ridge Court are more than 800 feet away, and the front lot line along MD 216 is more than 900 feet away.

C. Roads

MD 216 in front of the Property has two main travel lanes, a westbound deceleration and acceleration lane, and an eastbound pass-by lane. There is a variable pavement width and a variable width right-of-way. The posted speed limit is 45 miles per hour.

The existing driveway entrance was approved in the original Special Exception case and the Site Development Plan, and is not being revised in any way, so sight distance is not an issue for this Conditional Use case.

There is no current traffic volume data for this location on MD 216. According to data from the State Highway Administration, the traffic volume on MD 216 west of US 29 was 18,390 ADT (average daily trips) as of 2010.

II. BACKGROUND INFORMATION

D. Water and Sewer Service

The Property is not in the Metropolitan District and is within the No Planned Service Area according to the Howard County Geographic Information System maps. According to the Site Development Plan ("SDP") for Temple Isaiah, there are septic areas located to the east of the main building and to the southwest of the parking lot, and the well is located to the northwest of the parking lot. The SDP shows the well for the house located to the west of the accessory building, and does not indicate the location of the septic area for the house but it most likely is generally to the east of the house.

The proposed Communication Tower Site will be not be served by any private water or septic facilities.

E. General Plan

The Property is designated Low Density Development on the Designated Place Types Map of the PlanHoward 2030 General Plan, and is designated Institutional and Low Density Residential on the Land Use Map.

MD 216 is depicted as a Minor Arterial on the Transportation Map of the PlanHoward 2030 General Plan.

F. Agency Comments

The following agencies had no objections to the proposal:

1. Department of Recreation & Parks
2. Department of Fire and Rescue Services
3. Department of Inspections, Licenses and Permits

G. Adequate Public Facilities Ordinance

The petition is subject to the Adequate Public Facilities Ordinance if it is determined that a Site Development Plan is necessary for the new facility. Such a plan would be subject to the requirement to pass the test for adequate road facilities unless it is determined that the new facility would not generate additional traffic.

III. ZONING HISTORY

There is no record of any specific Board of Appeals, Zoning Board, or Department of Planning and Zoning cases for the Property.

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| A. | Case No. | BA 99-72E |
| | Petitioner: | Temple Isaiah |
| | Request: | Special Exception for a Religious Facility, Private School, and Nursery School |
| | Action: | Granted August 24, 2000 |

IV. EVALUATION AND CONCLUSIONS

- A. Evaluation of petition according to Section 131.0.B. of the Zoning Regulations (general criteria for Conditional Uses):
1. There are no policies in the Howard County General Plan which can be directly related to the proposed communication tower use. A general policy is Policy 4.5 to "Refine the Rural Conservation (RC) and the Rural Residential (RR) zoning regulations to provide greater flexibility for the agricultural community as well as appropriate protections for rural residents." Based on this policy, all the types of Conditional Use categories permitted in the RC and RR Districts were reviewed during the 2013 Comprehensive Zoning Plan process on the basis of whether the use categories were appropriate for these districts, and whether the various use criteria needed to be revised in any way. The use category for Communication Towers was found to still be appropriate for the RC and RR Districts, although the criteria were revised to address the issue of such uses on properties with ALPP purchased or dedicated easements.
 2. The proposed use is predominantly an automated electronic facility that operates continuously with a very low intensity of use. The area of the Property within which the Site would be located is large enough to contain the use in compliance with all required setbacks. Visits to the Site for maintenance activities would be infrequent, and would be from MD 216 using the existing Temple Isaiah driveway, through the existing parking use area, and using the existing driveway up to the house in the northwest area of the Property. The nature and intensity of the use, the size of the Property in relation to the use, and the location of the Site with respect to streets giving access to the Site are such that the overall intensity and scale of the use is appropriate.
 3. The use will not generate, dust, fumes, odors, glare, vibrations, or hazards. There would be some noise generated by the generator at times, but it is a 50 KW diesel generator, and these typically have relatively low noise ratings. The generator will also be enclosed within the fenced compound and will be well separated from all residential uses outside of the Property.
 4. The Site and the monopole will be located in compliance with all setback requirements. The use area within the compound at the base of the monopole will be well screened and buffered. Due to the extent of the wooded areas to the northeast of the Site, the use will only be slightly visible from the residential properties to the northeast. The monopole will most likely be more visible from the residential properties to the east of the Property, but it will be distant enough that it will not tower over these properties. It will also be well separated from MD 216. The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than generally elsewhere.

IV. EVALUATION AND CONCLUSIONS

5. Visits to the Site will be infrequent, so having an area to park a vehicle or two next to the compound will be appropriate to serve the particular use. The parking area and driveway will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.
6. The existing ingress and egress driveway from MD 216 will provide safe access with adequate sight distance, and with adequate acceleration and deceleration lanes.
7. The closest environmentally sensitive area is the stream on the Property, located to the southeast of the Site. Of all the items within the proposed facility, the only one that appears to have any potential to cause any environmental impact to a stream is the generator, due to the diesel fuel. However, because the stream is estimated to be more than 400 feet from the Site at the closest point, there is a more than adequate buffer area between the Site and the stream. There are other environmentally sensitive areas to the northeast of the Site, but they are further away beyond wide wooded buffer areas. The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.
8. While there had been a historic farm house on the farm that once included the area of the Property, this farm house which was located to the east of the Property was removed after the parcel was subdivided. The closest current historic site is estimated to be on Hall Shop Drive over 3,000 feet away from the Site to the northwest. The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

B. Evaluation of petition according to Section 131.0.N.14. (Specific Criteria for Communication Towers):

1. According to the information in the petition, the Petitioner has demonstrated that a diligent effort has been made to locate the proposed communication facilities on a government structure or, on an existing structure or within a non-residential zoning district, and that due to valid considerations, including physical constraints, and economic and technological feasibility, no appropriate alternate location is available.
2. The Site is designed to accommodate up to three additional users. The petition complies with Section 131.0.N.b.(2).
3. The ground level equipment and buildings and the tower base will be screened from public streets and residentially-zoned properties by a fence and landscaping. The petition complies with Section 131.0.N.b.(3).

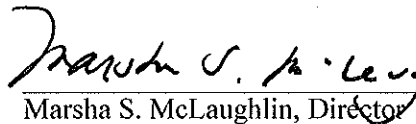
IV. EVALUATION AND CONCLUSIONS

4. The petition complies with Section 131.0.N.b.(4).
5. The petition complies with Section 131.0.N.b.(5).
6. If the communication tower is no longer used it shall be removed from the Property within one year of the date that the use ceases.
7. As noted above, the proposed tower complies with the setback requirements for communication towers.
8. The Property is not an ALPP purchased easement property, so Section 131.0.N.b.(8) is not applicable.
9. Section 131.0.N.b.(9) is not applicable.

V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for a Conditional Use for a new 160 foot monopole with six foot lightening rod within a fenced equipment compound be **GRANTED**, subject to the following condition:

1. The Conditional Use shall be conducted in conformance with and shall apply only to the proposed communication tower Site as described in the petition and as depicted on the Conditional Use Plan, and not to any other activities, uses, or structures on the Property.


Marsha S. McLaughlin, Director Date 6/17/14

MM:JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.